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Assembly California Legislature

CHARLES J. CONRAD
SPEAKER PRO TEMPORE



November 27, 1969

Richard M. Nixon
President of the United States
White House
Washington, D.C.

Dear Mr. President:

You may perhaps recall conversations in which I mentioned my interest and concern over our capabilities in the field of chemical and biological warfare.

For nearly a decade I have tried to help initiate honest and balanced debate so that any decision would be based on fact rather than propaganda. Now, with your announcement of November 25, it would seem that the die has been cast.

Those who oppose our involvement in Vietnam never cease talking of their "moral" compunction to demonstrate their beliefs. I feel the same necessity, as this debate ends, to at least place in the record my feeling that we have chartered a dangerous course, a mistake this nation may not live to regret.

With these opening remarks may I respectfully submit the following points in answer to your pronouncement of November 25, 1969.

1. We are signing a treaty that is impossible to police.

We should not ratify the Geneva Protocol or limit our capabilities in the field of chemical and biological warfare until the scientists advocating this policy can produce a specific method of inspection.

In the past decade I have read literally scores of articles seeking to outlaw chemical and biological weapons. This includes such reports as the Pugwash Conference sponsored by Cyrus Eaton and attended by Linus Pauling and other scientists of his political persuasion.

Not one of these articles has ever produced a workable method of inspection. Instead, we have been presented with such inane suggestions as the one mentioned by Congressman Richard D. McCarthy, recommending an "open inspection system," one in which "all biologists would report, by word of mouth, any suspected violations."

Can any intelligent American actually believe a Soviet biologist, working for the Red Army, would attempt to sneak out of a closely guarded military base to report "by word of mouth" any Communist activity in this field?

The simple truth is, inspection of chemical or biological agents is impossible. A beer factory or fertilizer plant could be converted to military use within hours.

Chemicals used in every day commerce can be changed into lethal military agents almost overnight. Laboratories designed to produce vaccines to improve the health of a nation can covertly produce biological warfare agents.

May I call to your attention the article in The Periscope NEWSWEEK, December 1, 1969, entitled "Nerve Gas: Just Mix and Serve" which contained this statement "the Army hopes this development will enable it .. to buy the components from commercial plants."

While this story contains some inaccuracies, it points out the fact that any nation can manufacture chemicals ostensibly for commercial purposes and transform them overnight into chemical weapons.

In addition, chemical and biological weapons do not require military hardware, i.e., war planes, submarines, guided missiles, etc., to deliver them upon an enemy target.

Thus the Soviet Union could propose complete disarmament together with inspection, and then at a later date utilize fishing vessels, commercial aircraft or saboteurs to attack us with chemical or biological agents.

2. Grave legal questions arise from your suggestion that we ratify the Geneva Protocol, but with the reservation that this does not apply to riot control chemicals or to our defoliation program.

I have not had the time to secure a legal opinion from the California Legislature's Legislative Counsel, but you, as an attorney at law, must recognize the problems that will arise. Suppose, for example, the Soviet Union proceeds to utilize incapacitators, explaining, that they have adopted this reservation. There are even those who would classify mustard as an incapacitator because, although it produced the greatest number of gas casualties in World War I, the mortality rate was only 2% and this could easily be reduced by manufacturing a diluted form of mustard.

There is the additional question of what will happen if the United Nations refuses to accept this reservation? May I call to your attention the report of the Secretary General U-Thant titled "Chemical and Bacteriological Weapons and the Effects of their Possible Use," transmitted to the United Nations on 30 June 1969.

On page xii of the Foreword Mr. U-Thant states:

- "2. To make a clear affirmation that the prohibition contained in the Geneva Protocol applies to the use in war of all chemical, bacteriological and biological agents (including tear gas and other harrassing agents) which now exist or which may be developed in the future;"

Ratification may even hamper those in the field of law enforcement. Traditionally whenever tear gas is used to disperse a crowd, one of the agitators will claim "chemical warfare is being used in violation of the Geneva Protocol." Occasionally reference is made to the Nuremberg Trials. At best we will see a rash of lawsuits aimed at restricting the use of tear gas by law enforcement.

3. The Geneva Protocol is an example of hypocrisy and cynicism unworthy of ratification by the United States.

World War I saw the development of a number of new weapons capable of inflicting great loss of life .. the submarine, the

airplane, the dirigible, the flamethrower and the tank, to mention but a few. The United States clearly demonstrated its willingness to support real disarmament then, as we did following World War II. But our allies were unwilling to deny themselves any of the aforementioned weapons of war. France, for example, destroyed the Washington Disarmament Conference by refusing to give up the submarine.

Finally, with complete cynicism our allies voted to outlaw only chemical warfare because, at that time, Germany had the most advanced chemical industry.

It is to the credit of the United States Senate of that day that they refused to sanction this hypocrisy and voted to return the measure to committee.

In fact, for 70 years the United States has taken an intelligent and logical attitude toward chemical and biological warfare. At the Hague in 1899 a United States Naval Officer, Captain Alfred T. Mahan, said that it was illogical to say it was inhumane to asphyxiate a man with gas, but permissible to blow a hole in his ship casting hundreds of men into the sea to be choked to death by water.

More pertinent to present conditions was the statement by General Amos Fries who told the Senate in 1925 "an outlaw nation would always use this weapon against us if it felt it could gain victory by so doing." That admonition is as true today as it was 44 years ago.

5. The Department of Health, Education and Welfare is not qualified to conduct research in the field of biological warfare.

Just as I challenge any scientist to develop a system for inspection of chemical and biological warfare, so I challenge the ability of the medical profession to develop a "magic" antitoxin or toxins that would provide for protection against any biological weapon the Soviet Union might utilize.

Even assuming it were possible to do so with all known potential biological warfare agents, it would be a comparatively simple matter for the Soviet Union to develop entirely new biological strains or mutations of known biological agents.

There has been an unfortunate tendency of those in government to rely on the theory put forth by such scientists as Dr. Meselson of Harvard. These scientists picture a biological attack as a move of desperation by an enemy in an all-out war in which we would respond with nuclear weapons.

This theory fails to take into account the flexibility of the biological weapon.

Suppose, for example, the Russians launched a covert attack in the metropolitan areas of our great cities, releasing an agent such as VEE (Venezuelan equine Encephalomyelitis) in such areas as subways. This virus is non-contagious and rarely fatal, yet its victims are incapacitated for a period of from three to ten days.

QUESTION: Would you, Mr. President, as Commander-in-Chief, order retaliation with nuclear weapons when few, if any, American deaths had occurred?

Yet our country might be so weakened through panic that the Soviet Union could force great concessions from us.

While it is true that it is difficult to predict the effect of an attack by biological agents, we should credit any enemy with the intelligence to utilize agents that are non-contagious and at least partly controllable.

6. It is dangerous to our national security to either expose our hand or restrict our Armed Forces by saying in advance what weapons we will or will not use.

As one who has played football, you know a coach does not tell the other team what plays he will use. Security prevents a full discussion of the successful Communist propaganda during the Korean War in which our forces were falsely accused of utilizing biological warfare.

It can, however, be recalled in open correspondence that when our forces were suffering heavy casualties and when commanders in the field begged to be allowed to use even tear gas, this request was denied by those in authority in Washington. Yet those same people praised the commander of an American prisoner of war camp who put down a riot by Communist prisoners

with tear gas and cited that humane treatment in comparing our treatment of prisoners of war to that of the Communists.

7. We must be prepared against the possibility of sabotage through chemical agents.

This subject has been completely ignored in the current debate possibly because of security regulations. However, the Congress and the public should, at least, be informed that our most vital instruments both of peace and war ..nuclear reactors, guided missiles, atomic submarines, commercial aircraft .. could be sabotaged in a matter of seconds and this action go undetected unless our security people had been alerted to the point where they were conducting an intensive investigation of every individual in the vicinity.

8. Chemical and biological weapons may be a greater threat to our national survival than the atomic bomb.

Ever since wars of aggression have been waged, they have been waged with the idea of seizing the wealth and territory of another country.

Why then would the Communists risk the destruction that would accompany an atomic attack even if they were successful, when by temporarily immobilizing our population and defenses by using chemical and biological weapons, they might seize our civilization complete with slave labor?

I realize that your statement of November 25 does not eliminate our defensive capabilities, but I very much fear, that had we not been first to utilize the atomic bomb, we never would have developed such a weapon and would have had to face, unarmed at a later date, a Soviet Union with a monopoly on nuclear capabilities.

Thus I feel that Congress should give honest consideration to the first use of chemical and biological weapons by our forces for the following reasons:

9. The incapacitator is potentially the most humane of weapons.

Mr. President, you have in your statement eliminated the first use of incapacitating chemical agents. At the same time you, as Commander in Chief, are facing the agonizing charges that some American soldiers have massacred women and children.

We cannot disregard the terrible fact that modern guerilla war frequently will see women and children utilized to kill American soldiers.

But for the atomic bomb, you and I might have faced a similar situation. I recall the statement of a Japanese businessman, brought to America under one of Mayor Yorty's projects, where he related that, as a boy, he was told to be ready to wrap hand grenades around his body and throw himself before the advancing American forces. I think that under such circumstances the Armed Forces of our generation might well have found themselves shooting down women and children.

Here the incapacitator can play a vital part. Had we been able to immobilize the people of My Lai, is it not possible that the massacre .. if it did occur .. might have been avoided?

I recognize the technical problems in the use of incapacitators and the difficulty of finding a dividing line between temporary incapacitation and permanent injury or death.

However it can be stated, without violating security, that we have reached a point where such agents could be used on a trial and error basis because any small number of casualties that might occur as we developed the technique would be far less than now suffered by the enemy with the use of our conventional weapons.

10. Chemical and biological weapons may be necessary for survival in an all-out war.

Those in public office, particularly at the national level, must have the courage to admit publicly that we face a possible all-out attack at some future date from Red China or the Soviet Union.

In the case of Red China, particularly, we must also admit that they may be better able to survive a nuclear attack than we. They do not have the vast industrial complex that we and the Soviet Union possess, and they have a disregard for human life which could make the two or three hundred million deaths from nuclear warfare acceptable to them.

But Red China cannot survive the destruction of her food supply. Thus we should never deny ourselves the one weapon Red China fears above all others, namely, a chemical or biological agent that will destroy their rice and wheat crops.

I realize that in a letter such a proposal sounds inhumane. May I call to your attention however, that it was an American President noted for his humanity, Abraham Lincoln, who developed the campaign of destruction of crops in the war against the Confederacy. This type of war was successfully waged even over the objection of some of Lincoln's military leaders, particularly, General Meade.

In addition, unlike conditions that existed a century ago, our nation has surplus food and a record of humanity toward our defeated foes.

Certainly our nation would do its utmost to alleviate the suffering of the Chinese that would follow such a war, just as we did in the instances of Japan and Germany.

As I said at the beginning of this letter, I realize that in all likelihood the die has been cast. If so, this may be my last statement on the subject. I know my position is an unpopular one, but I also know this attitude has been created, at least to some extent, by the falsehoods disseminated through the news media.

Therefore I have made these remarks for the record and with that await the judgment of history.

Rarely does anyone, especially a politician, hope to be wrong, but in this case I would rejoice in being in error.

On the other hand we may be facing another Pearl Harbor from chemical and biological weapons and I wonder as to the ability of our nation to respond to such an attack if the proposals outlined on November 25, 1969 are adopted.

Respectfully,

A handwritten signature in black ink, appearing to read "Charlie", written in a cursive, flowing style.

CHARLES J. CONRAD

CJC:ms